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January 25, 1994

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JAN 25 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: ET Docket No. 93-62  
Supplemental Comments

Dear Mr. Caton:

Enclosed are ten copies (original and nine) of supplemental comments prepared by this office in the Notice of Proposed Rule Making, ET Docket No. 93-62 entitled, "In the Matter of Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation". The earlier comments were filed January 11, 1994.

If there are any questions or comments concerning this filing, please contact the undersigned.

Sincerely,



Donald G. Everist

DGE:mcw  
Enclosure

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Guidelines for Evaluating )  
the Environmental Effects of ) ET Docket No. 93-62  
Radiofrequency Radiation )

### Notice of Proposed Rule Making

#### Introduction

These supplemental comments have been prepared by the consulting engineering firm of Cohen, Dippell and Everist, P.C. ("CDE") concerning the Commission's Notice of Proposed Rule Making ("NPRM") in ET Docket No. 93-62. CDE filed its earlier comments in the Docket with the Commission on January 11, 1994. These supplemental comments focus on two additional areas. The first is with reference to the one percent exclusion adopted in 1990 and the second discusses additional Commission latitude for broadcast stations which are found to be at variance with the new Commission radio frequency exposure guidelines.

Effective April 18, 1990, the Commission in General Docket No. 88-469 adopted a notice that excludes transmitters that do not exceed exposure values less than one percent<sup>1/</sup> of the appropriate limits. This firm has found this concept very useful in the analysis of multiuse sites where a number of transmitters are present. We believe this analysis tool should be continued to be permitted with the adoption of the revised Commission exposure guidelines.

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<sup>1/</sup>With the provision that the small incremental contribution does not result in the composite exposure level exceeding the maximum. Refer Federal Register, Vol. 15, No. 16, Pages 2380-2382 dated January 24, 1990.

The second item is that the adoption of the new exposure guidelines could result in licensed operations which have previously complied with Commission radio frequency exposure guidelines now becoming non-compliant. This could result under a number of broadcast station scenarios such as an FM station once located in a non-built-up area being now subject to scrutiny due to urban growth, etc. In these situations, if other alternatives are foreclosed by reason of FAA constraints, revised zoning, other hurdles, etc. not within the control of the license, then other provisions of the FCC Rules such as allocation rules should be waived on a case-by-case basis. The reason is simple. For example, in the northeast corridor from Richmond to Boston; the corridor from Pittsburgh to Chicago and the western Pacific corridor from San Diego to San Francisco, large segments of FM stations have been authorized prior to 1964 under old allocation criteria. Subsequent FCC allocation rule changes have further restricted FM allocation flexibility. We believe it is imperative that such broadcast stations whether AM, FM, or TV be afforded the maximum opportunity to comply with new exposure guidelines including the flexibility of changing site without the additional burden of meeting allocation criteria adopted subsequently.

Respectfully Submitted

by: Donald G. Everist  
PresidentDate: January 25, 1994